

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELECTION SYSTEMS & SOFTWARE,
INC.,

Plaintiff,

v.

JAMES DALTON, MARK ALLISON and
DALTON CONSULTING, LLC,

Defendants.

Case No. 8:09-cv-311

**ORDER OF DISMISSAL WITHOUT
PREJUDICE PLAINTIFF'S CLAIMS
AGAINST DEFENDANT MARK
ALLISON**

The Court, being fully advised on the premises, finds that Plaintiff Election Systems & Software, Inc.'s Motion (1) to Dismiss Without Prejudice Plaintiff's Claims Against Defendant Mark Allison, and (2) to Amend Case Caption to delete Mark Allison as a defendant (Filing No. 15), should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said motion is GRANTED, and that Plaintiff's claims against Defendant Mark Allison are dismissed without prejudice, each of said moving parties to bear its own attorney and expert fees and costs; that the case caption shall be amended to delete reference to Mark Allison as a defendant; and that the Clerk of this Court shall likewise amend the case caption on its records and electronic files.

Dated this 13th day of October, 2009.

BY THE COURT:

s/ Joseph F. Bataillon,
United States District Court Judge

PREPARED AND SUBMITTED BY:

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